

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2009-174-T - ORDER NO. 2009-492  
JULY 17, 2009

|   |   |                |
|---|---|----------------|
| IN RE: Petition of the Office of Regulatory Staff for | ) | ORDER REVOKING |
| a Rule to Show to Revoke Certificates of              | ) | CERTIFICATES   |
| Public Convenience and Necessity of Certain           | ) |                |
| Motor Carriers for Failure to Maintain and            | ) |                |
| File Evidence of Insurance                            | ) |                |
|   | ) |                |

This matter comes before the Public Service Commission of South Carolina (“the Commission”) by way of the Petition of the Office of Regulatory Staff (“ORS”) to revoke Certificates of Public Convenience and Necessity of certain motor carriers for their failure to maintain and file evidence of insurance. ORS's Petition was filed with the Commission on April 22, 2009. As set forth in S.C. Code Ann. §58-23-910 (Supp. 2008) and 26 S.C. Code Ann. Regs. 103-171 (Supp. 2008), the Commission requires motor carriers certificated in the State of South Carolina to procure and file with the Commission proper proof of insurance and that insurance must be kept in full force and effect. The “failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. § 58-23-910.

The ORS developed a list of the motor carriers operating in violation of the Commission's Rules and Regulations and/or the Motor Vehicle Carrier Law in respect of failure to file proper evidence of insurance and such list was attached as Exhibit A to ORS's Petition.

The Commission issued a Notice of Hearing setting this matter for hearing on July 15, 2009, at 2:20 p.m. A formal hearing regarding this matter was held at the Commission offices on Wednesday, July 15, 2009, at 2:20 p.m. ORS was represented by Shealy Boland Reibold, Esquire. Ms. Carole Chauvin, a Program Specialist in ORS's Transportation Department, testified for ORS.

At the hearing, Ms. Chauvin presented testimony that certain companies certificated by the Commission to provide motor carrier services have failed to file or maintain evidence of insurance as of April 17, 2009, as required by S.C. Code Ann. §58-23-910 (Supp. 2008). Further, Ms. Chauvin testified that since that date, ten (10) carriers holding eleven (11) certificates listed in Exhibit A have come into compliance with the Commission's rules and regulations. At the hearing, Ms. Chauvin testified that the Revised Exhibit A accurately reflected those carriers still out of compliance. Additionally, the ORS stated in its Petition, and Ms. Chauvin testified, that the ORS notified the carriers, via both mail and personal or telephonic contact by ORS's Transportation Inspectors, of their failure to file the required proof of insurance.

The Commission finds that the Certificates of Public Convenience and Necessity held by the carriers which are the subject of this petition (attached as an Appendix to this Order, labeled "Revised Exhibit A") should be revoked and cancelled for their continued willful violation of the Commission's Rules and Regulations and/or the South Carolina Vehicle Carrier Law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

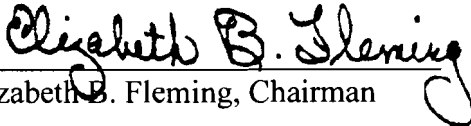
1. That the Certificates of Public Convenience and Necessity held by those motor vehicle carriers listed in the Appendix attached hereto be, and hereby are, revoked and cancelled.

2. That all operating rights authorized under the Certificates held by the carriers listed in the attached Appendix and cancelled by this Order are null and void.

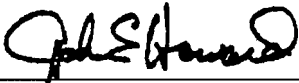
3. That this petition be, and hereby is, dismissed with respect to all carriers who have complied with the Commission's Rules and Regulations and/or the Motor Vehicle Carrier Law.

4. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
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John E. Howard, Vice Chairman  
(SEAL)

## Appendix

JULY 15, 2009 - REVISED EXHIBIT A - CARRIERS OUT OF COMPLIANCE

Docket No. 2009-174-T

Order No. 2009-492 -- July 17, 2009

| No. | Docket #   | Class | Type of Cert | Name                        | DBA                        | Address                       | City          | State | Zip   |
|-----|------------|-------|--------------|-----------------------------|----------------------------|-------------------------------|---------------|-------|-------|
| 1   | 2002-146-T | C     | CHARTER BUS  | BEN BRIGGS                  | BRIGGS' TOURS & EXCURSIONS | 905 TARA DRIVE                | LAURINBURG    | NC    | 28352 |
| 2   | 2000-320-T | C     | TAXI         | DEBORAH MILLS-BROWN         |                            | 1404 YORK SQUARE              | DARLINGTON    | SC    | 29540 |
| 3   | 2005-280-T | C     | CHARTER BUS  | EXCEL CHARTER & TOURS, INC. |                            | PO BOX 1039                   | DILLON        | SC    | 29536 |
| 4   | 2004-341-T | C     | TAXI         | FLUFF'S CAB                 |                            | 1681 LANDING ROAD             | MYRTLE BEACH  | SC    | 29577 |
| 5   | 2006-77-T  | C     | TAXI         | ESTEBAN GOMEZ               |                            | 153 ROSELAND DRIVE            | SALUDA        | SC    | 29138 |
| 6   | 2004-179-T | C     | CHARTER      | DESTINATION LOGISTICS, LLC  | ISLAND SHUTTLE             | 5480 SEAFOREST DRIVE BOX B110 | KIAWAH ISLAND | SC    | 29455 |
| 7   | 1997-30-T  | C     | TAXI         | EARL KELLY                  |                            | 1015 W. DARLINGTON STREET     | FLORENCE      | SC    | 29501 |
| 8   | 2007-121-T | C     | CHARTER      | THE CIVILIZED TAXI          |                            | 728 KINGSMILL LANE            | CLOVER        | SC    | 29710 |
| 9   | 2004-7-T   | C     | CHARTER BUS  | TLC TOURS, LLC              |                            | 978 MITCHELLVILLE ROAD        | RIDGELAND     | SC    | 29936 |
| 10  | 2000-503-T | C     | TAXI         | EVLYN K. TOBIN              |                            | 13671 HWY 96                  | MILLER        | MO    | 65707 |
| 11  | 2001-310-T | C     | CHARTER      | EVLYN K. TOBIN              |                            | 13671 HWY 96                  | MILLER        | MO    | 65707 |